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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,125

10/21/2003

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GP-304074 (2760/137)

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60770

7590

06/27/2011

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EXAMINER

HAMZA, FARUK

ART UNIT

PAPER NUMBER

2442

MAIL DATE

DELIVERY MODE

06/27/2011

PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HITAN S. KAMDAR and SHPETIM VELIU

Appeal 2009-011487
Application 10/690,125
Technology Center 2400

Before KARL D. EASTHOM, GREGORY J. GONSALVES, and
KALYAN K. DESHPANDE, *Administrative Patent Judges*.

GONSALVES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 from the rejection of claims 1-21. (App. Br. 2.) We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

The Disclosed Invention

The disclosed invention includes “a method for accessing email attachments from a vehicle.” (Spec. 2:3-4.) In the method, an email attachment is downloaded to a vehicle telematics control unit (TCU) and stored in memory. (FIG. 2, step 214.) Next, the TCU determines the type of attachment and routes the attachment to the appropriate communications unit. (FIG. 2; steps 216 and 218.)

Exemplary claim 1 follows:

1. A method for accessing an email attachment from a mobile vehicle, the method comprising:
 - receiving an email attachment from a remote server at a vehicle telematics unit;
 - determining at the vehicle a classification of the email attachment;
 - routing the email attachment within the vehicle based on the classification such that the email attachment is provided to a vehicle communication unit enabled to present content of the email attachment.

The Examiner rejected claims 1-3, 8-10, and 15-17 as obvious under 35 U.S.C. § 103(a) based on U.S. Patent 7,194,513 B2 (Sharif) and U.S. Patent 6,757,712 B1 (Bastian).

The Examiner rejected claims 4, 11, and 18 as obvious under 35 USC § 103(a) based on Sharif, Bastian, and U.S. Patent 6,219,694 B1 (Lazaridis).

The Examiner rejected claims 6, 7, 13, 14, 20, and 21 as obvious under 35 USC § 103(a) based on Sharif, Bastian, and U.S. Pub. No. 2005/0060373 A1(Ban).

The Examiner rejected claims 5, 12, and 19 as obvious under 35 USC § 103(a) based on Sharif, Bastian, Lazaridis and “Official Notice.”

ISSUE

Appellants’ responses to the Examiner’s positions present the following issue:

Did the Examiner establish that the combination of Sharif and Bastian renders obvious the steps of “determining at the vehicle a classification of the email attachment” and “routing the email attachment within the vehicle based on the classification?”

FINDINGS OF FACT (FF)

Sharif

1. Sharif discloses a “system for using an Internet appliance for sending and receiving digital content files as email attachments [that] includes a system server and an Internet appliance both connected to a communication network such as the Internet.” (Abstract.)

Bastian

2. Bastian discloses a “system for using an Internet appliance for sending and receiving digital content files as email attachments [that] includes a system server and an Internet appliance both connected to a communication network such as the Internet.” (Abstract.)

PRINCIPLES OF LAW

The Examiner bears an initial burden of factually supporting an articulated rejection. *In re Oetiker*, 977 F.2d 1443 (Fed. Cir. 1992). Under

§ 103, ““there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007) (citation omitted).

ANALYSIS

Issue - Claims 1-21

Appellants assert that the combination of Sharif and Bastian does not render obvious the steps of classifying an email attachment at a vehicle and routing the email attachment within the vehicle based on the classification. (App. Br. 6.)

After acknowledging that Sharif does not teach that these claimed steps are performed at a vehicle, the Examiner reasons that “Bastian teaches the claimed limitation of email system at a vehicle.” (Ans. 10.) But independent claims 1, 8 and 15 require more; they require the particular steps of classifying an email attachment and routing the email attachment to be performed at or within the vehicle. The Examiner fails to identify any portion of Sharif or Bastian that teaches or suggests that either of these claimed steps is performed at the vehicle. (*See* Ans. 9-10.)

Therefore, we will not sustain the Examiner’s rejection of independent claims 1, 8, and 15, and claims 2-7, 9-14, and 16-21 dependent therefrom.

DECISION

We reverse the Examiner’s decision rejecting claims 1-21.

REVERSED

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